

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID E. MACK,

Plaintiff,

v.

EQUABLE ASCENT FINANCIAL, LLC

Defendant.

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CASE NO. 4:11-cv-793

**RESPONSE TO PLAINTIFF'S NOTICE TO THE COURT OF NO / IMPROPER
SERVICE BY DEFENDANT**

COMES NOW, Defendant and files this response to Plaintiff's Notice to the Court of No / Improper Service by Defendant.

1. On January 23, 2012, Plaintiff, David E. Mack filed his Notice to the Court of No / Improper Service by Defendant, Equable Ascent Financial, LLC, complaining that counsel for Defendant had not properly notified Plaintiff of the prior filing of its Notice of Appearance.

2. In response, Defendant would show that Plaintiff was properly notified by the federal CM/ECF system. Although Mr. Mack is not signed up to receive electronic notice, he is being mailed notices to the address he provided to the district clerk's office.

3. Under the CM/ECF system requirements, Mr. Mack is notified by the court each and every time a filing is made by any other party.

4. Defendant does not believe that additional notice is required to be made personally by Defendant. However, should the court so desire that this additional notice be made, Defendant will happily comply.

WHEREFORE, Defendant requests the court provide guidance with regard to Plaintiff's notice.

Respectfully submitted,

BUSH AND RAMIREZ, LLC

//s// Keith Wier

Keith Wier; SBN: 21436100

Fed. ID No.: 7930

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Houston, TX 77005

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**ATTORNEY FOR DEFENDANT,
EQUABLE ASCENT FINANCIAL, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

David E. Mack
7720 McCallum Blvd., #2099
Dallas, TX 75252

//s// Keith Wier

Keith Wier